

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AARON C. AMBALU

Plaintiff,

-against-

VAN RU CREDIT CORPORATION

Defendant.

COMPLAINT AND
DEMAND FOR JURY TRIAL

JUDGE SEIBEL

SD. OF NEW YORK
U.S. DISTRICT COURT
FILED
12/09/2009
P 3

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'09 CIV 10080

Plaintiff by and through his attorney Kleinman LLC, complaining of the Defendant, respectfully alleges and shows to the Court as follows:

INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (hereinafter "FDCPA") which prohibits debt collectors from engaging in abusive, deceptive and unfair practices as well as the torts of negligence and gross negligence.

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1337 and supplemental jurisdiction exists for State law claims pursuant to 28 U.S.C. §§ 2201 and 2202 and New York State law. Venue in this District is proper in that the Defendant transacts business here and the conduct complained of occurred here.

PARTIES

3. Plaintiff Aaron C. Ambalu is a natural person residing in Rockland County, New York.
4. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692(a)(3).
5. Defendant Van Ru Credit Corporation is an Illinois Business Corporation. Its Registered Agent is the Corporation Service Company, 80 State Street, Albany, New York 12207-2543. Defendant attempts to collect debts alleged to be due another.

FACTUAL ALLEGATIONS

6. On November 6, 2009, Defendant Van Ru Credit Corporation attempted to collect a disputed debt by leaving a voice mail message on Mr. Ambalu’s voice mail. The text of the message is attached as Exhibit A.
7. Defendant Van Ru Credit Corporation engaged in abusive tactics by stating that it was authorized to proceed in accordance with State law and that it had contacted a licensing authority, and that the subject license can be jeopardized.

CAUSES OF ACTION UNDER THE FDCPA

8. Plaintiff repeats and realleges and incorporates by reference the foregoing paragraphs.
9. Defendant violated 15 U.S.C. §§ 1692e(10), 1692c(b) and 1692d.

10. Defendant violated 15 U.S.C. § 1692c(b), by communicating with third parties.
11. Defendant violated 15 U.S.C. § 1692d, in that it engaged in conduct the natural consequence of which is to harass, oppress and/or abuse the Plaintiff.
12. Defendant violated 15 U.S.C. § 1692e(10), by using false representations and deceptive means to collect or attempt to collect a debt.

NEGLIGENCE AND GROSS NEGLIGENCE

13. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.
14. Defendant's actions and omissions as described herein constitute negligence in that Defendant owed Plaintiff a duty of reasonable care in the collection of a disputed debt, said duty was breached and said breach was the proximate cause of damages suffered by Plaintiff.
15. Defendant's actions and omissions described herein constitute gross negligence in that Defendant owed Plaintiff a duty of reasonable care in the collection of the disputed debt, said duty was breached, said breach was the proximate cause of damages suffered by Plaintiff and Defendant's actions and omissions demonstrate a want of scant care and indifference to the rights of Plaintiff. Defendant's actions were willful, malicious and

reckless. Defendant's actions were highly unreasonable and demonstrate an extreme departure from ordinary care.

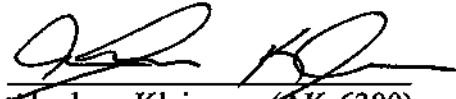
16. Plaintiff is entitled to punitive damages for the actions and omissions of the Defendant as described.

DAMAGES

17. Because of the acts and omissions of Defendant as described, the Plaintiff has suffered financial loss, mental anxiety, emotional suffering, worry, loss of appetite, humiliation, sleeplessness and mental distress. Further, Defendant's acts and omissions are willful, malicious and demonstrative of a reckless disregard for the Plaintiff's rights and well being.

WHEREFORE, Plaintiff respectfully request that judgment be entered against Defendant, for the following:

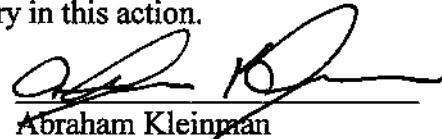
- a. Statutory damages pursuant to 15 U.S.C. section 1692k;
- b. Actual damages;
- c. Punitive damages pursuant to New York law; and
- d. For such other and further relief as the Court may deem just and proper.



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DEMAND FOR JURY TRIAL

Please take notice that Plaintiff demands trial by jury in this action.



Abraham Kleinman

November 6, 2009 at 12:49 P.M.

Aaron Ambalu, this is Mr. Wacoviak.

Pertaining to a student loan, I just got off the phone with the Office of the Court Administration, New York, New York.

Spoke with a Mr. Sam Younger.

I do recommend that you do return the call.

There is a State Law that would allow us to proceed on this so it is very important that you do contact my office sir.

More than happy to work with you to keep this account from going forward so that it can be prevented but you need to reach my office over here, (888) 337-7705.

Your secretary or legal aid or whatever said you would be out of the office so I will go ahead and hold your portfolio until Tuesday.

I advise you to please not disregard this call it can affect your licensing.

You can contact me.

The New York Court Administration Office if you want to verify the information.

New York is sort of hard on that.

So please do contact my office (888) 337--8331. Direct Extension 6683.

I'll be in the office Monday or Tuesday 8-5 Central Standard Time.